"Men who their duties know,
But know their rights, and knowing, dare maintain,
Prevent the long aimed blow,
And crush the tyrant, while they rend the chain,—
These constitute a state."

IRELAND and SECESSION

AN ANSWER TO LLOYD GEORGE

By THOMAS H. MAHONY
OF THE BOSTON BAR

FOR THE BENCH AND BAR COMMITTEE
IRISH VICTORY FUND

WITH A FOREWORD BY JUSTICE DANIEL F. COHALAN

In view of the statements of Lloyd George in the House of Commons on March 31st, 1920, and the general circulation of similar arguments throughout the United States, by opponents of the principle of self-determination applied to Ireland; that Ireland's claim to independence is the assertion of a claim to secession comparable to that of the Southern States in 1861, the undersigned, who have been appointed by the Friends of Irish Freedom to represent this section in matters regarding information as to the movement in general and especially as to the need of American citizens to form and express their opinions fully and at all times upon the cause of human freedom wherever it may be attacked, believe that this is an appropriate time for the publication and distribution of this article.

EDW. F. McSWEENEY,
DANIEL T. O'CONNELL.

Boston, April 6th, 1920.

FOREWORD.

The writer of the following article is one of the brilliant group of intellectuals who, responding to the call of their blood, have in the last two years done so much to make our country understand the question of Ireland and its importance to mankind—and America in particular—in the world-wide contest that is now being waged between the forces of liberty and imperialism.

Studious, painstaking, scrupulously fair to his opponent, he presents lucidly and temperately his arguments and his facts.

Lloyd George and the other spokesmen for English tyranny no longer attempt to deny the patent fact that the people of Ireland are overwhelmingly in favor of independence and of republican government. With characteristic opportunism the English Premier, now seeks to hold uninformed American opinion, not by the old falsehoods that Ireland does not seek liberty, or that Irishmen are unable to govern their country, but by trying to draw a parallel between the status of Ireland and that of the former Confederate States.

Mr. Mahony shows how utterly without foundation is the argument of Mr. Lloyd George and proves conclusively that there is no analogy whatever between the two cases.

I hope he may, in the near future, amplify his paper so as to cover the entire history of England's relations with her Parliament in Ireland, which, in spite of much good done by it in many directions, was never really representative of the people of Ireland.

Lloyd George has less than a century and a half to go back to find a real secession from England when the Thirteen Colonies, against the will of English Imperialism, left the control of the English Ruling Class and set up our matchless institutions of liberty on this Continent.

The American Revolution was not alone right—it was turned out to be one of the greatest blessings a Beneficent Creator has bestowed upon mankind.

May the world, within the year, hail as another milestone on humanity's march of progress, the international recognition of the Republic of Ireland.

DANIEL F. COHALAN.

New York, April 7th, 1920.

LLOYD GEORGE ON "SECESSION."

"I think it right to say that any attempt at secession will be fought with the same determination, the same resources, the same resolve as the Northern States put into the fight against the Southern States."

(Lloyd George, on the Outline of 4th Home Rule Bill.)

"De Valera is in exactly the same position as Jefferson Davis before the American Civil War. If he insists, it will lead exactly to the same methods of oppression as the Northern States of America used to avoid secession."

(Lloyd George, House of Commons—March 31, 1920.)

IRELAND AND SECESSION.

AN ANSWER TO LLOYD GEORGE.

By THOMAS H. MAHONY.

England through Lloyd George contends that the "Irish Question" is a purely domestic matter, and being so Ireland's struggle for independence is equivalent to secession, analogous to the attempt of the South to secede from the Union in 1861, and will be just as bitterly contested.

If Ireland is a nation, her struggle to establish an independent existence, free from foreign control, the validity of which has ever been denied, cannot be secession. Two nations involved in any discussion or dispute necessarily create an international question. But Ireland has been for centuries, and is a nation,—Lloyd George to the contrary, notwithstanding.

It has distinct, natural, geographical boundaries, never requiring the imaginative hand of a peace conference to trace them. It has its individual history, traditions, customs, language, music. Its people have a definite national consciousness, distinct racial characteristics, and particular interests found in no other group of people. As early as the fifth century, Ireland, with Rome, Spain and Germany were the four nations of Europe. Not until the Council of Constance in 1415 did England attain that dignity; in that very council asserting that Ireland was then the oldest nation of the world.

> **"Nations or States,"** says Vattel, **"are bodies politic, societies of men united together for the promotion of their mutual safety and advantage by the joint efforts of their combined strength.** Such a society has her affairs and her interests. She deliberates and takes resolutions in common, thus becoming a moral person who possesses an understanding and a will peculiar to herself, and is susceptible of obligations and rights."

While Ireland has been controlled and dominated by England, it has been solely by reason of "vis major" and never by the "consent of the governed." Ireland never has sacrificed its national spirit or its national consciousness, and the law of pre-

scription never operates against the sovereignty of a nation. If Ireland, with these attributes, is not a nation, what nation is a "nation"? It may be argued that the one indispensable attribute of nationhood is lacking in Ireland, *i.e.*, sovereignty. But what is sovereignty?

> "Abstractly sovereignty resides in the body of the nation and belongs to the people. In international law a state is considered a sovereign when it is organized for political purposes and permanently occupies a fixed territory. It must have an organized government capable of enforcing law and be free from all external control."
>
> Bouvier's Law Dictionary, Vol. 2, page 1016.

History reveals the fact that Ireland was a nation with all the attributes of a nation set forth above. Her nationhood was recognized in the very title assumed by the King of England, as King of "the United Kingdom and Ireland." In 1541 an Irish Parliament, convened by Henry VIII, declared Ireland to be a Kingdom and chose Henry VIII of England to be "King of Ireland." The two countries, as pointed out by Swift in his "Drapier Letters," did not constitute one kingdom; each remained a separate, distinct and independent kingdom.

In 1687 the Irish Parliament, acting in its independent capacity, acknowledged James II to be King, although in the previous year the "Convention" Parliament of England had declared the crown abdicated by James II and had recognized William and Mary.

In 1782 Grattan's Resolution was adopted by the Irish Parliament and made a "permanent" settlement by the British Parliament in the "Act of Renunciation." It provided that, "No power on earth but the King, Lords and Commons of Ireland is competent to make laws for Ireland." By it England renounced "forever" all claims to legislate for Ireland. The Act of George I, under which England claimed the right to legislate for Ireland as for a dependency was definitely abrogated.

The arrangement of 1782 "was no provisional plan, but a final and determinate settlement between the legislatures of the two countries" known and understood to be such by both England and Ireland. Ireland then in 1782 was again formally recognized by England as a distinct nation. Ireland has never ceased to be a nation.

MacNeill's Irish Const. Hist. 187-188.
Parliamentary Register, VIII, 11-15.

Mr. Asquith, while Prime Minister, recognized this when he said a few years ago:

> "There are few cases in history . . . I myself know of none . . . of a nationhood at once so distinct, so persistent . . . as the Irish. . . . Ireland is a nation. . . ."

But England answers, whatever independent status Ireland had in 1782 was surrendered by the Act of Union, passed by the Irish Parliament in 1800; that by such Act, Ireland became an integral part of the British Empire; that thereafter any attempt of Ireland to regain an independent status would amount to secession.

A. IS IRELAND'S STRUGGLE FOR INDEPENDENCE EQUIVALENT TO SECESSION?

Lloyd George, some time ago, in outlining the then probable Home Rule Bill for Ireland, and again recently, said that England would fight Ireland's secession to the bitter end, as the North fought the South in our Civil War.

If Ireland were legally and in reality an integral part of the Empire, the argument of "secession" might carry some weight, but the argument against Ireland based upon the analogy of our Civil War has no weight. It is but necessary to compare the situation in the colonies in 1789 with the situation in Ireland in 1800 to see how completely different they are.

1. THE CONSTITUTION OF THE UNITED STATES AND SECESSION.

The issue raised by the Southern States, which led to the Civil War, was that of the superiority of State rights over National rights, or the right of a State to withdraw from the Union. This issue had been disposed of in 1819 long before the Civil War by a decision of the Supreme Court of the United States in the famous case of McCulloch v. Maryland. In his opinion, one of his greatest upon Constitutional law, Chief Justice Marshall sets forth most clearly the development of our National Government:

> "The Convention which framed the Constitution was indeed elected by the State legislatures. But the instrument when it came from their hands, was a mere proposal, without obligation, or pretensions to it.

. . . by the Convention, by Congress, and by the State Legislatures, the instrument was submitted to the people. They acted upon it in the only manner in which they can act safely, effectively and wisely, on such a subject, by assembling in Convention.

From these Conventions the constitution derives its whole authority. The government proceeds directly from the people; is 'ordained and established' in the name of the people; and is declared to be ordained, 'in order to form a more perfect union.' . . .

But the people were at perfect liberty to accept or reject it; and their act was final. It required not the affirmance, and could not be negatived, by the State governments. The constitution, when thus adopted, was of complete obligation, and bound the State sovereignties.

To the formation of a league, such as was the confederation, the State sovereignties were certainly competent. But when, 'in order to form a more perfect union,' it was deemed necessary to change this alliance into an effective government, possessing great and sovereign powers, and acting directly on the people, the necessity of referring it to the people, and of deriving its powers directly from them, was felt and acknowledged by all.

The government of the Union, then (whatever may be the influence of this fact on the case), **is, emphatically and truly, a government of the people.** In form and in substance it emanates from them. Its powers are granted by them, and are to be exercised directly on them, and for their benefit."

After the Civil War the same issue was again adjudicated by the United States Supreme Court in the following cases: in the case of **Lane County v. Oregon (1868), 7 Wall. 71 at page 76,** Chief Justice Chase makes the following statements:

"The people of the United States constitute one nation, under one government, and this government, within the scope of the powers with which it is invested, is supreme.

Both the States and the United States existed before the Constitution. **The people, through that instrument,** established a more perfect union by substituting a national government, acting, with ample power, directly upon the citizens, instead of the Confederate government, which acted with powers, greatly restricted, only upon the States.

The general condition was well stated by Mr. Madison in the Federalist, thus: 'The Federal and State govern-

ments are in fact but different agents and trustees of the people, constituted with different powers and designated for different purposes."

In the case of **Texas v. White (1868), 7 Wall. 700 at page 724,** Chief Justice Chase makes the following statement:

> "The Union of the States never was a purely artificial and arbitrary relation. **It began among the Colonies, and grew out of common origin, mutual sympathies, kindred principles, similar interests and geographical relations.** It was confirmed and strengthened by the necessities of war, and received definite form, and character, and sanction from **the Articles of Confederation. By these the Union was solemnly declared to 'be perpetual.'** And when these Articles were found to be inadequate to the exigencies of the country, **the Constitution was ordained 'to form a more perfect Union.' It is difficult to convey the idea of indissoluble unity more clearly than by these words.** What can be indissoluble if a perpetual Union, made more perfect, is not?"

and on **page 726** the following:

> "Considered therefore as transactions under the Constitution, the ordinance of secession, adopted by the convention and ratified by a majority of the citizens of Texas, and all the acts of her legislature intended to give effect to that ordinance, were absolutely null. They were utterly without operation in law. **The obligations of the State, as a member of the Union, and of every citizen of the State, as a citizen of the United States, remained perfect and unimpaired.** It certainly follows that the State did not cease to be a State, nor her citizens to be citizens of the Union. If this were otherwise, the State must have become foreign, and her citizens foreigners. The war must have ceased to be a war for the suppression of rebellion, and must have become a war for conquest and subjugation."

Lord Bryce has recognized this principle in his statement:

> "The Union is not a mere compact between commonwealths dissoluble at pleasure, but an instrument of **perpetual efficacy, emanating from the whole people,** and alterable by them only in the manner which its own terms prescribe."
>
> (Am. Commonwealth I, 315, 316.)

In the case of the United States, therefore, we find a voluntary agreement of all the people of the country estab-

lishing the National Government, an act which the people, in whom rested sovereignty, had the power of performing. It was not the creation of a federation by the individually supreme and sovereign states. When, therefore, in 1861 a part of the people, gathered within the territorial limits of certain states, undertook to break and set at naught that agreement, to abrogate the Constitution without the consent of the great majority of the people of the country, who were the remaining parties to the agreement, that great majority were justified legally and morally in preventing the attempted secession. The only legal way to change the Constitution was as set forth in the Constitution, viz., amendment.

2. THE ACT OF UNION AND SECESSION.

In 1783, as has been stated, England renounced forever all claim to legislate for Ireland. No other power than the King, the Lords and Commons of Ireland legally could legislate for Ireland. The sovereignty to the knowledge of England then rested in the Irish people, the Irish Parliament being the trustee of the legislative power under a trust delegated to it by the Irish people. This British Act of Renunciation of 1782 declared this sovereignty of the Irish was "established and ascertained forever, and shall at no time hereafter be questioned, or questionable."

The vital question, therefore, is as to what effect the Act of Union had upon Ireland's sovereignty. Was it surrendered by the Irish people? Did Ireland thereby become an integral part of the British Empire?

> **"A body or society, when once organized as a State by an established government, must remain so until it is destroyed. This may be done by disintegration of its parts, by its absorption into and identification with some other State or nation, or by the absolute and total dissolution of the ties which bind the society together. We know of no other way in which it can cease to be a State.** No change of its internal polity, no modification of its organization or system of government, **nor any change in its external relations short of entire absorption in another State, can deprive it of existence or destroy its identity."** (Wheaton, Int. Law, sec. 22.)

England insists that by the Act of Union, Ireland was "absorbed" into the British Empire. No contention has been made by anybody that Ireland's parts have disintegrated, or that the ties which bound it together have been dissolved. If, there-

fore, Ireland did not voluntarily allow itself to be so "absorbed," England's case upon this point must fall, for unless the Act of Union was voluntary, it offers no basis for England's claim.

(a) WAS THE ACT OF UNION THE "VOLUNTARY" ACT OF THE SOVEREIGN IRISH PEOPLE?

From 1792, which marked the beginning of Grattan's Parliament, until long after the Act of Union, the franchise was not enjoyed by Catholics or Presbyterians. Yet approximately three-quarters of the Irish people were Catholics and therefore not represented in the Irish Parliament of 1800. Of the 300 members of that Parliament, 154 were in reality nominated by 53 Peers, 91 were so nominated by 52 Commons, the balance only could fairly be said to have been elected. More than two-thirds of the Parliament was controlled by 105 men, yet Ireland then contained more than 4,000,000 people. (MacNeill, Irish Const. Hist. p. 190.)

> "It was not the Parliament of the whole people—it was chosen exclusively by the representatives of the Protestant minority, while the Catholic majority were excluded from all share of political power. It was not chosen by the voice even of the Protestant people. Nearly two-thirds of its members were sent in by a system of nomination from which all popular influence was excluded." (Sir Isaac Butt, Nov. 18, 1873.)

Confirming the above we find the following: It, the Act of Union, was "not supported by the voice of the country at large." (Cornwallis Corresp. III, 52.)

Manifestly the validity of the Act of Union does not rest upon the consent of the Catholics of that time.

> "Twenty-seven counties have petitioned against the measure. . . . Though there were 707,000 who had signed petitions against the measure, the total number of those who declared themselves in favor of it did not exceed 3,000. . . . Could a nation in more direct terms express its disapprobation of a political measure than Ireland has done of a legislative union with Great Britain? In fact, the nation is nearly unanimous." (Lord Grey, 1800, on the Union.)

It is an elementary principle of law that any transaction tinged with fraud, bribery, corruption or coercion is void. But the carrying of the Act of Union was marked by all these nullify-

ing features. Reference to the Statesman, Gladstone, or the Historian, Lecky, reveal the fact that the Act of Union was carried only by means of the most outrageous fraud, bribery and corruption.

The proposal for the union came from England and not Ireland. (Castlereagh Corresp. I, 393, 394.) (Lecky, Hist. of Eng. 18th Cent. VIII, 298.) Its principal motive was the stoppage of Ireland's growing prosperity. (Castlereagh Correspondence, II, p. 45.) It was "the only means of preventing Ireland from growing too great and powerful." (Govt. Pamphlet, Secretary Cooke, 1798, cited in Reg. v. O'Connell, defendant's argument.)

Lord Cornwallis, Lord Lieutenant, under whom the Act of Union was put through the Irish Parliament, stated, "I despise and hate myself for engaging in such dirty work." (Cornwallis Corresp. III, 39-40, 100-102.) 29 Irish peerages were created, 20 Irish peers were promoted, and 6 English peerages granted for Union services. (Cornwallis Corresp. III, 318.)

In speaking of the creation of peerages, etc., Lecky says:

> "In the majority of cases, however, these peerages were simply palpable open bribes intended for no other purpose than to secure a majority in the House of Commons." (Hist. 18th Cent. VIII, 339.)

By compelling vacation of parliamentary seats under the "Place Bill," Cornwallis secured 63 vacancies and filled them with staunch Unionists. (Lecky, Leaders of Pub. Op. in Ireland, p. 180—Woodfalls Parl. Debates, II, 370.)

Grattan stated that of the votes cast for the Union, only seven were unbribed. (Hardy's Life of Grattan, V, 113.)

> "Bribery was unconcealed. The terms of the purchase were quite familiar in those days. The price of a single vote was £8,000 in money, or an office worth £2,000 a year if the parties did not choose to take ready money. Some got both for their votes." (O'Connell (1843), Dublin Corp. on Repeal, p. 31.)
>
> "There were near three million pounds ($15,000,000) expended in actual payment of the persons who voted for the Union." (O'Connell's Argument in Reg. v. O'Connell.)
>
> "The basest corruption and artifice were excited to promote the Union." (Lord Chief Justice Bushe (1800), cited in defendant's argument, Reg. v. O'Connell.)

For a few of the titles and religious offices granted as bribes, see the correspondence of Cornwallis, Vol. III, pp. 209-219. For some of the money bribes given confirming O'Connell's statements, see the same, Vol. III, pp. 151-228.

> "It is scarcely an exaggeration to say that anything in the gift of the Crown in Ireland, in the Church, the Army, the Law, the Revenue was uniformly and steadily directed to the single object of carrying the Union." (Lecky, Hist. of Eng., 18th Cent. VIII, 405.)

Before the English Government ventured to propose the Union, it offered a £10 bounty to every Irish soldier who would enlist for foreign service. Ten regiments so enlisted were shipped abroad and replaced by ten English regiments; though England was engaged in a bitter continental struggle, Ireland was held by 130,000 armed men. (Castlereagh, Corresp. III, 210, 211.) (Sir Isaac Butt, Nov. 18, 1873.)

The Act of Union was attempted while "our country is (was) filled with British troops . . . whilst the Habeas Corpus Act is (was) suspended—whilst trials by court-martial are (were) carrying on in many parts of the kingdom—whilst the people are (were) taught to think they have (had) no right to meet or deliberate." (Lord Plunkett—Irish Parliament, 1800.)

Whether there was coercion or not is shown by the following table:

In Ireland in 1797 before the rebellion, there were 78,995 British soldiers.

In Ireland in 1798 during the rebellion, there were 91,999 British soldiers.

In Ireland in 1798 after the rebellion, there were 114,052 British soldiers.

In Ireland in 1800 at time of Act of Union, there were 129,258 British soldiers.

(O'Connell, to Dublin Corp. on Repeal, p. 43.)

In fact, Cornwallis in addition to the above was offered by the English Government 5,000 Russian troops, the assistance of which he declined. (Cornwallis Corresp. III, 137-138.)

The Act of Union may best be summed up in the words of the said English historian and the said English statesman as follows:

> "It seems to me idle to dispute the essentially corrupt character of the means by which the Union was

carried." (Lecky, Hist. of Eng., 18th Cent., p. 395.)

"The Union as it was carried was a crime of the deepest turpitude." (Lecky, Leaders of Pub. Opinion in Ireland, p. 82.)

"The blackest and foulest transaction in the history of man." (Gladstone, June 28, 1886.)

The Act of Union was therefore void upon the ground that it was secured only by the illegal means above set forth.

(b) WAS IT THE VALID ACT OF THE IRISH PARLIAMENT?

It is also an elementary principle of constitutional law that the power of legislation delegated to a legislature cannot be further delegated. Potestas delegata non delegari potest. This principle is set forth in text books and decisions, too numerous to mention.

> "It is a general principle of constitutional law that the power conferred upon the legislature by the constitution, to make laws, cannot be delegated by that body to any other person or authority, in any such manner as to preclude the resumption of the power, or of its exercise, whenever the public interest required it. The legislators are the agents or trustees of the people, and they have no right or power to place the trust irrevocably in other hands than their own." (Black's Constitutional Law, p. 374, sec. 143.)
>
> "A constitution (form of government) can be amended or changed only by the parties creating or giving sanction to the constitution. Ordinarily a legislature has power only to propose amendments which are usually required to be submitted to the people. As a general rule ratification by a vote of the people is essential to the validity of the amendment." (8 Cyc. 806—cases cited.)

It may be well, however, to cite some authorities upon this point which apply directly to England and Ireland.

A book on Government, by Locke, was used as a text book in England and in Trinity College, Dublin, to justify the Revolution of 1688 and to prove that James II had no title to the throne, and that William was the lawful monarch. It was significantly withdrawn from Trinity College after the Act of Union. It is stated in Locke on Government that:

> "The legislators cannot transfer the power of making laws into other hands, for it being but a delegated power from the people, they who have it cannot pass it

over to others. The people alone can appoint the form of the Commonwealth. . . . The power of the legislature being derived from the people by a positive voluntary grant and institution can be no other than what the positive grant conveyed, **which being only to make laws and not to make legislatures, the legislature can have no power to transfer their authority of making laws, or to place it in other hands.**"

Again:

> "If a Legislative Union should be so forced upon this country against the will of its inhabitants, it would be a nullity, and resistance to it would be a struggle against usurpation and not a resistance against law." (Atty. Gen. Saurin, Mar. 15, 1800.)

The attempt therefore of the Irish Parliament of 1800 was to delegate to the British Parliament the right to legislate for Ireland, to pass its trust to another legislative body. The matter cannot be put more clearly than it has been by the British Historian Lecky, who stated that the Irish Parliament elected in 1797,

> "when there was no question of a Union, transferred its own rights and the rights of its constituents to another Legislature, and that was accomplished without any appeal to the electors by a dissolution." (Lecky, Hist. of Eng., in 18th Cent., p. 321.)

The Act of Union was never referred to the Irish people for their assent. That such referendum is essential to its validity, may at once be seen, by consulting the portions of Chief Justice Marshall's opinion in McCullough v. Maryland, quoted above.

The precise effect of such attempt of the Irish Parliament may be most concisely summed up in the words of Daniel O'Connell, as follows:

> "The Union is totally void in point of principle and of constitutional force. . . . The Irish people nominated them (the Parliament) to make laws, and not legislatures. They were appointed to act under the Constitution and not annihilate it. Their delegation from the people was confined within the limits of the Constitution, and the moment the Irish Parliament went beyond those limits and destroyed the Constitution, that moment it annihilated its own power, but could not annihilate the immortal spirit of liberty, which belongs, as a rightful inheritance, to the people of Ireland. . . . The Union is not supported by Constitutional right. . . . The Union,

therefore . . . is totally void . . . is an unconstitutional law . . . is not fated to last long." (Daniel O'Connell at Mullaghmast, 1843.)

"It (the Union) was no compact, no bargain, but it was an act of the most decided tyranny and corruption that was ever yet perpetrated. Trial by jury was suspended . . . courts martial sat, throughout the land . . . and the County of Kildare among others flowed with blood." (Daniel O'Connell at Mullaghmast, 1843.)

(c) THE RIGHT OF DAIL EIREANN TO LEGISLATE FOR IRELAND.

The right of Dail Eireann to sit and legislate for Ireland, to bring about a change in government, proclaiming the Irish Republic, has been questioned as being an unconstitutional exercise of power. It rests solely and squarely upon the sovereignty of the Irish people, whose will was made so manifestly clear by the December, 1918, elections.

Ample precedent for such right of the Dail Eireann is found even in England. In 1660 the "Parliament," abolishing the Commonwealth, and restoring Charles II as King, was assembled by writs not running from the Commonwealth. The acts of that "Parliament" have been held valid. After James II fled from England about 90 of the Lords petitioned William of Orange to issue writs for a Convention. Though without authority from the Government of James II this was done, and its acts, declaring James II to have abdicated and declaring William and Mary, King and Queen, were held valid. These two "unconstitutional" conventions wrought most important changes in England's Government. The Dail Eireann has a far stronger constitutional basis, and its claim of effecting a change in the form of Ireland's Government is far more sound than the claim of the above mentioned English conventions or "Parliaments."

The falsity of the analogy between the Civil War of 1861 and Ireland's present assertion of her right to recognition is, therefore, manifest. In America it was a voluntary agreement deliberately entered into by the people of a single nation, and an attempt to break that agreement. The Act of Union and its effects concerned the people of two nations. In Ireland there was no voluntary agreement by the people, but an *ultra vires* act of an unrepresentative legislature secured by means of fraud, bribery, corruption, coercion and duress, ineffective to surrender

Ireland's sovereignty, and a constant denial of the validity of the Act, and a persistent effort upon Ireland's part from that time to date to assert and maintain that sovereignty.

(d) ULSTER AND SECESSION.

The analogy of secession is true, however, if applied to the northeast portion of Ulster in its attempt to be "partitioned" from the rest of Ireland. In this situation there is Ireland, a geographical, economic, political and national unit; there is the attempt of a portion of the Irish citizenry, the Irish people, to set at naught the will of the majority, to separate a portion of the nation's territory from the rest of it, and to set up a new state.

Ireland has always been a unit. It was never a federation of sovereign states, such as we had prior to 1789 in the colonies. There is less justification then for Ulster's separation movement than there was for the attempt of the southern states in 1861.

The Irish people constitute one citizenry, one people. The Ulsterites are Irish, and have been for centuries. The Ulsterites in the northeast portion of the province must fall into one of two classes:

1. IRISH CITIZENS.
2. BRITISH COLONISTS.

If they are Irish citizens, true democracy requires that the political minority subordinate its will to that of the majority. Democratic government and institutions can exist and survive only upon the basis of majority rule. The rule of the minority is oligarchy. If the Ulster Unionists fall into class I, they must abide by the will of the majority of the Irish citizenry, which is overwhelmingly against "partition."

If they fall into class II, they are "aliens" in Ireland, and as such aliens have no right to any say as to what the form of government in Ireland shall be, or what territory shall be within its jurisdiction. They would have no more right to a voice in Ireland's government than an unnaturalized alien has in the Government of the United States.

In either event Ulster's demand for "partition" is unconstitutional and secessionist. It is only to this situation that the argument of "secession" can apply.

Hollinger Corp.
pH 8.5